

REMARKS

Claims 1-4, 16-23 and 26-28 and 31- 34 are currently pending in the subject application and are presently under consideration. Claim 34 has been amended. Entry of herein amendments is respectfully requested as they do not add any new matter and therefore do not require new search. A listing of claims can be found at pages 2-6 of the Reply. Applicants' representative thanks Examiner Jeanty for the courtesies extended during the interview conducted on January 24, 2007. The merits of the application vis-à-vis the cited references was discussed. It was submitted that Hudetz, *et al.* and Keithley, *et al.* do not teach or suggest the invention as claimed.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I.a Rejection of Claims 1-3, 16-23 and 26-33 Under 35 U.S.C. §103(a)

Claims 1-3, 16-23 and 26-33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hudetz, *et al.* (U.S. 5,978,773) in view of Keithley, *et al.* (U.S. 5,584,025). It is submitted that this rejection be withdrawn for at least the following reasons. Neither Hudetz, *et al.* nor Keithley, *et al.* alone or in combination, teach or suggest the claimed invention.

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second there must be a reasonable expectation of success. *Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See MPEP §706.02(j).*

The claimed subject matter relates to providing demographic information about a consumer to a product manufacturer *by utilizing data packet information that transfers the information inquiry to the manufacturer*, or by utilizing information transferred *within the web page request*, or by *employing a Domain Name Service to translate Internet Protocol mapping information*, as respectively recited in independent claims 1, 16 and 22. Neither of the cited

references teaches nor suggests such features of the claimed invention.

Hudetz, *et al.* relates to a system and method for using identification codes found on ordinary articles of commerce to access remote computers on a network. As conceded by the examiner, Hudetz, *et al.* does not teach providing the demographic information of a consumer to the manufacturer by utilizing the information inquiry or by utilizing information transferred within the web page request and Keithley, *et al.* is relied upon to overcome such deficiencies. Keithley, *et al.* relates to an information processing system for acquiring and displaying information relating to real estate and related goods and services. It provides for supplying information including demographic statistics to advertisers. On page 4 of the subject Office Action, it is erroneously contended that Keithley, *et al.* discloses the concept of sending a user's demographic data to a manufacturer utilizing data enquiries. At the cited section, (specifically at col. 11 lines 12-15) and other sections (See for e.g. col. 1 lines 34-38) Keithley, *et al.* states, "*Because each property profile and advertisement regardless of sponsor has its own identification code and each user of the disclosed system has their own access code, the instant invention provides detailed data on all aspects of viewership and response.*" Therefore, as stated, the system of Keithley, *et al.* is able to collect information regarding viewership only because each user has a specific access code and it can be concluded that any information regarding the user would be associated with such an access code. In fact, the system of Keithley, *et al.* specifically requires that each user be logged in before being able to use the system (See for e.g. col. 9 lines 33-36). Hence it is clear that Keithley, *et al.* does not teach collecting demographic information about a user *by utilizing data packet information that transfers the information inquiry to the manufacturer* as recited in applicants' independent claim 1 or *by utilizing information transferred within the web page request* as recited in the independent claim 16. This is because in Keithley, *et al.*, a user is identified by means of the access code even before an information inquiry can be made. In fact, nowhere does Keithley, *et al.* teach or suggest a system of transmitting demographic information about the consumer to the product manufacturer *via employing a Domain Name Service (DNS) to translate Internet Protocol (IP) mapping information transferred by the consumer when requesting a web page* as recited in independent claim 22.

On page 7 of the subject Final Office Action dated December 1, 2006 the Examiner states that it is common in the art of communication to transfer information using data packets. However, the claimed invention is able to utilize information about a destination computer

inherently included in a request for information by employing cross-application of the DNS system to obtain demographic information associated with each query. Hence, the same data packets that transfer the information request from a user are utilized to obtain demographic information about the user *i.e. by utilizing data packet information that transfers the information inquiry to the manufacturer.* This mitigates a need for specific user access code as taught by Keithley, *et al.* in order to collect demographic information about the user.

From the foregoing it is clear that the cited documents either separately or in combination fail to make the obvious the subject claims. Hence it is requested that this rejection be withdrawn.

I.b Rejection of Claims 34 Under 35 U.S.C. §103(a)

Claim 34 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Hudetz, *et al.* (U.S. 5,978,773) in view of Keithley, *et al.* (U.S. 5,584,025). It is submitted that this rejection be withdrawn for at least the following reasons. Neither Hudetz *et al.* nor Keithley, *et al.* alone or in combination, teach or suggest the claimed invention.

The subject claim relates to providing a consumer with product related information by employing a UPC (Universal Product Code) associated with a product. Accordingly, the system comprises a mapping service provider circuitry that hosts a mapping program database which includes a list of data corresponding to the UPC and a list of web sites addresses associated with each code (*See* applicants' specification pages 8 lines 1-4). Claim 34 relates to a method of providing product information to consumers wherein mapping between the codes and the products is provided by a product database itself *i.e. utilizing a mapping function to match the product's UPC to a product information, the mapping function being provided by a product database associated with the at least one product website* (*See* applicants' specification page 9 lines 12-16). In contrast, Hudetz, *et al.* teaches a relational database 60 hosted by a service provider 22 which includes records that contain UPC product identification numbers and URL suitable for locating a corresponding resource on the Internet. The method as recited in claim 34 mitigates the need to maintain a separate mapping database as taught by Hudetz, *et al.* (*See* Hudetz, *et al.* col. 7 lines 4-12). These novel aspects are neither taught nor suggested by Hudetz, *et al.* and Keithley, *et al.* does not make up for this deficiency.

From the foregoing it is clear that the cited documents either separately or in combination

fail to make the obvious the subject claims. Hence it is requested that this rejection be withdrawn.

II. Rejection of Claim 4 Under 35 U.S.C. §103(a)

Claim 4 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Hudetz, *et al.* and Keithley, *et al.* as applied to claim 1 above, and further in view of Kaplan, *et al.* (US 5,963,916). This rejection should be withdrawn for at least the following reasons. None of the cited references teach or suggest all limitations recited in the subject claim.

Claim 4 depends from independent claim 1 and, as stated *supra*, neither Hudetz, *et al.* nor Keithley, *et al.* teach or suggest all limitations of claim 1 and Kaplan, *et al.* fails to make up for the aforementioned deficiencies. Independent claim 1 recites a method of conveying a consumer's demographic information to a manufacturer, whereby a scanned bar code of a product can be used to access the manufacturer's website for a product information inquiry and in the process, the demographic information of the consumer can be captured and conveyed to the manufacturer *by utilizing data packet information that transfers the information inquiry to the manufacturer*. Kaplan, *et al.* relates to on-line network web site for interactive preview of a portion of a pre-recorded product by the user but does not teach or suggest providing demographic information about the consumer to the product manufacturer by utilizing data packet information transferred to the manufacturer as a result of the information query, as claimed.

Based on at least the foregoing, none of the cited references teach or suggest all claim limitations. Accordingly, withdrawal of this rejection is respectfully requested.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [TELNP333US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

AMIN, TURNEY & CALVIN, LLP

/Himanshu S. Amin/

Himanshu S. Amin

Reg. No. 40,894

AMIN, TURNEY & CALVIN, LLP
24TH Floor, National City Center
1900 E. 9TH Street
Cleveland, Ohio 44114
Telephone (216) 696-8730
Facsimile (216) 696-8731